

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	MM Docket No. 99-25
	)	
Creation of a Low	)	RM-9208
Power Radio Service	)	RM-9242
	)	
	)	

COMMENTS

Theresa Prieto, licensee of Station WPLO(AM), Grayson, Georgia, by her attorney, hereby submits her Comments in opposition to the proposal to establish a new low power FM service. For the reasons set forth below, Prieto submits that the new service should not be established, or if it is established, it should be restricted to noncommercial operations.

**I. LPFM Is Not an Antidote to the Problems Created by Consolidation**

In the Notice of Proposed Rule Making in the proceeding (ANotice≡), the Commission stated that one of the reasons that it is proposing to establish a low power FM service is that it is "concerned that consolidation may have a significant impact on small broadcasters and potential new entrants into the radio broadcasting business by driving up station prices, thereby exacerbating the difficulty of entering the broadcast industry and of surviving as an independent operator." The Commission sees LPFM as a possible antidote to this problem of consolidation and closing out of small broadcasters, new entrants and independents. While it is true that "small broadcasters" and

"independent stations" have been adversely impacted by consolidation, adding a new LPFM service will simply exacerbate, rather than relieve their problems of survival. Currently, small broadcasters and independents are being squeezed by the multi station operators. If LPFM is created, and especially if it is allowed to operate on a commercial basis, they will be squeezed from below by these new small, independent stations that will compete with them for their niche audiences and advertising dollars. The establishment of LPFM will likely be the death knell for many small and independent full power stations that are struggling to survive in this era of consolidation.

LPFM could have an especially devastating impact on an independent station serving a specialized audience such as WPLO.

As mentioned above, WPLO broadcasts in Spanish. The Spanish population of the Atlanta metro area is quite small (2.0% according to the 1990 Census) and it is scattered in pockets throughout the region. While small and scattered, this Spanish language population is large enough to support WPLO. However, if an LPFM station were to begin broadcasting in Spanish to one of the pockets of concentrated Spanish speaking population in the Atlanta area, such a station could siphon off enough of WPLO's audience, and revenue base, to force it out of business as a Spanish language station. If this were to happen, and if, as likely, the LPFM station were to find that it could not survive on the small Spanish speaking audience that it could reach, the

diversity that currently exists in the Atlanta market, that is the availability of Spanish language radio programming, would be lost.

Whether the specialty format is Spanish or some other ethnic group, in situations where the specialized audience is scattered in pockets throughout a metro area and is currently being served by a full power station, the proposal to create LPFM poses a serious threat to the continuation of such specialized service and the diversity that it provides. This is so because, in the first instance, one or more of the pockets of the ethnic audience will be a tempting target for an LPFM operator looking for a niche. However, a LPFM station which is only able to reach part of a small, and scattered, ethnic audience will initially fragment this audience and the advertisers who target this audience to the point that the full service station will no longer be able to survive by programming to the specialized audience, and ultimately, after the full service station has switched to a mass market audience, the LPFM will itself fail for want of a large enough audience for its specialized programming.

In sum, rather than "foster diversity" and create new opportunities for small, independent broadcasters, the likely consequence of the creation of LPFM will be to fragment the audience and revenue base on which existing stations serving niche audiences depend upon to the point that much of the

diversity that currently exists will be lost. For this reason, Commentator submits that the Commission should not proceed with the creation of an LPFM service.

## **II. Operating Budgets of LPFM Stations Will Not Be Less Than Those of Full Power Station**

Underlying the proposal to establish LPFM is the Commission's mistaken belief that, because LPFM stations will operate with lower power and serve a much smaller area than full power stations, they will have a "relatively small operating budget" which will make it possible for them "to offer very localized exposure attractive to local businesses that could not otherwise afford radio advertising." The reality is that, with the exception of the initial cost of acquiring a transmitter and the monthly power bill, the costs of operating a successful radio station do not vary significantly based upon the operating class or power of a station as the primary costs of operating a station are for personnel, acquiring and producing programming, and renting studio and transmitter space. Therefore, the costs of operating a low power FM station will not be significantly less than the cost of operating a full service AM or FM station. In fact, as the production of local programming is more personnel intensive than acquiring mass market entertainment programming, the operation of the sort of community oriented low power FM stations that the FCC envisions would most likely be greater than the cost of operating a typical full service station.

### **III. If Authorized, LPFM Stations Should Be Restricted to Non Commercial Operation.**

If LPFM Stations are authorized, they should be restricted to non commercial operation, otherwise, most LPFM stations will develop as mini versions of full power stations, offering variations on the same mass appeal music formats that are already widely available. If this were to happen, the public policy objectives underlying the FCC's decision to establish LPFM service -- providing a community-oriented broadcasting and additional diversity in program services -- would not be achieved.

### **IV. The Problem of Preserving the Integrity of the Commission's Technical Rules**

A significant risk exists that the creation of LPFM stations will result in increased interference problems within the FM band. The risk flows from a combination of factors including the fact that the FCC lacks the resources to police compliance with its technical rules and the fact that many of the LPFM operators will be low budget operations constructed and maintained by persons with little technical expertise.

## **V. Conclusion**

For the foregoing reasons, it is respectfully submitted that the Commission should not create LPFM; however, if it does create LPFM, it should restrict LPFM stations to non commercial operation.

Respectfully submitted,

/s/ David Tillotson

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Dated: April 1, 1999